

Appl. No. 09/728,524
Amdt. dated December 29, 2003
Reply to Office Action of September 30, 2003

PATENT

REMARKS/ARGUMENTS

Amendments

New claims 22 and 23 have been added. Therefore, claims 1-23 are present for examination. Applicant respectfully requests reconsideration of this application as amended. No new matter is added by these amendments.

Statutory Double Patenting

Claims 1-23 stand as provisionally rejected under 35 U.S. C. §101 the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 09/645,645. Applicants will address this rejection should Application No. 09/645,645 ever ripen into an issued application.

35 U.S.C. §103 Rejection, Cotten and Pace et al.

The Office Action has rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over cited portions of U.S. Patent No. 6,330,590 to Cotten (hereinafter "Cotten") in view of cited portions U.S. Patent No. 6,460,050 to Pace et al. (hereinafter "Pace"). Applicants believe Cotten and Pace do not, either alone or in combination, teach or suggest the invention in the claims. More specifically, Cotten and Pace do not teach or suggest: (1) using a first and second portions to create a first and second code as generally required by claims 1 and 15; or (2) modifying the number of selected portions based upon a predetermined value by claims 8 and 15. For least these reasons, Applicants respectfully request for reconsideration of the rejection to the claims.

First Missing Limitation: Multiple Codes from a Single E-mail Message

Claims 1 and 15 have the concept that two or more codes are generated from a single e-mail message. Pace is cited for teaching this proposition in the Office Action. Applicants take the position that Pace does not support generation of multiple codes from a

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single e-mail message. Pace teaches that the single digital ID is a hash of three portions of an e-mail message: part of the subject line, the entire body, and the last 500 bytes of the body. See Pace, col. 4, lines 3-6. By analyzing the grammar, Pace seems to say that these three items are hashed to create a single digital ID. The alternative interpretation is that one of these three items is hashed to create a single digital ID, which is supported in Id., col. 4, lines 10-12. In various other places, Pace refers to a single digital ID generated for an e-mail message. See Id., col. 2, lines 38-40; Id., col. 3, and lines 7-10 and lines 40-45; Id., col. 5, lines 55-58; Id., col. 6, lines 5-8. In a few places, the plural form of "digital ID" is used, but Applicant believes that is used to say that a number of e-mail messages will produce the same number of digital IDs. Accordingly, Applicants posit that a careful read of Pace cannot support the proposition that a single e-mail message produces multiple digital IDs.

Second Missing Limitation: Modifying a Number of Selected Portions

Claims 8 and 15 include the concept that the number of selected portions is affected by a predetermined threshold. In one embodiment, this is exemplified by using an algorithm to find "anchors" or selected portions until enough are found to accurately identify an message without gathering further "anchors." See Application, Fig. 7D, steps 788 and 790. Neither Cotton nor Pace teach or suggest a predetermined threshold. In some cases, less "anchors" than the predetermined threshold could be found. Id., Fig. 7D. For at least these reasons, reconsideration of the rejection is respectfully requested.

CONCLUSION

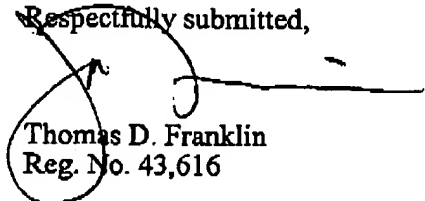
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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